

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

June 04, 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: NM  
DEPUTY

EGLO P. GARZA and ANGELICA GARZA

vs.

EMSHVAC, LLC

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§

NO: SA:24-CV-00353-OLG

**ORDER AND ADVISORY**

Before the Court is the above-styled and numbered cause. The Court has received Defendant(s) Answer and therefore enters the following Order and Advisory:

It is ORDERED that the Plaintiff(s) confer with the Defendant(s) as required by Fed.R.Civ.P 26(f) and Local Court Rule CV-16(c) to submit a proposed scheduling order for the Court's consideration within **forty-five (45) days** of the filing of this Order. A form scheduling order is attached for the parties' reference. Failure to do so may result in the Court's entering its own scheduling order.

At the request of the Bar, the San Antonio District Judges have implemented a procedure whereby a United States Magistrate Judge is assigned to each civil case at the time it is filed. The assignments are made randomly and are evenly divided among the three San Antonio Magistrate Judges. If a pretrial matter is referred by the District Judge, it will be handled by the United States Magistrate Judge to whom the case is assigned. Similarly, if the parties consent to Magistrate Judge jurisdiction, the case will be placed on the docket of the assigned Magistrate Judge for all future proceedings, including entry of final judgment. 28 U.S.C. Section 636(c).

So that this Court may more efficiently manage its docket, the parties are hereby **ORDERED** to notify the Court whether or not they consent, under 28 U.S.C. Section 636(c), to Magistrate Judge jurisdiction. Therefore, within **thirty (30) days** of the date of the filing of this Order, each party shall sign the attached form to be filed with the Clerk's Office.

**SIGNED AND ENTERED** this 4th day of June, 2024.



ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
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**NOTICE, CONSENT/NON CONSENT, AND REFERENCE OF A CIVIL ACTION  
TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States Court of Appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

\_\_\_\_\_ *Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

\_\_\_\_\_ *Non Consent to a magistrate judge's authority.* The following parties do not consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Parties' printed names*

*Signatures of parties or attorneys*

*Dates*


**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

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**SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88(a) shall be filed by **[60 days from the date of this order]**. REGARDLESS OF WHETHER THE PARTIES CONCLUDE THAT ADR IS APPROPRIATE OR NOT, THE PARTIES SHALL INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF A COURT-APPROVED MEDIATOR OR A MEDIATOR AGREED UPON BY BOTH PARTIES IN THEIR ADR REPORT. A list of court-approved neutrals and alternative dispute resolution summary form may be obtained at <https://www.txwd.uscourts.gov/programs-services/alternative-dispute-resolution/>. If you do not have access to the internet, you may call the United States District Clerk's office at (210) 472-6550 to obtain a copy.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **[90 days from the date of this order]** and each opposing party shall respond, in writing, by **[104 days from the date of this order]**.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **[75 days from the date of this order]**.
4. All parties asserting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **[90 days from the date of this order]**. Parties resisting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **[120 days from the date of this order]**. All designations of rebuttal experts shall be FILED, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be SERVED, within 14 days of receipt of the report of the opposing expert.
5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within fourteen (14) days of receipt of the written report of the expert's proposed testimony, or within fourteen (14) days of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before **[180 days from the date of this order]**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than **[200 days from the date of this order]**. The timing and page limitations for briefing on any motion shall be governed by the relevant provisions in Local Rule CV-7.
8. The parties shall mediate this case on or before **[220 days from the date of this order]**, unless the parties seek an order from the Court excusing them from mediation.
9. This case is set for **pretrial conference on Wednesday, [300 days from the date of this order] at 10:30 a.m. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of a pretrial conference and/or trial.**
10. This case is set for **jury selection and trial on Monday, [305 days from the date of this order] at 9:30 a.m.**

**SIGNED AND ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE